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PART-III

GOVERNMENT OF MEGHALAYA

ORDER BY THE GOVERNOR

NOTIFICATIONS

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

New Delhi, the 5th August, 2015.

No.S.O. 2125(E).—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 (hereinafter referred to as the said notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority (SEIAA), Meghalaya (hereinafter referred to as the Authority for Meghalaya) comprising of the following Members, namely: -

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| (a) Shri Toki Blah, IAS (Retd.),
Chapel Road, Qualapatty Shillong,
Meghalaya -793002 | Chairman |
| (b) Professor B. K. Tiwari,
Department of Environment Studies,
North-Eastern Hill University,
Shillong-793022 Meghalaya | Member |
| (c) Chief Conservator of Forests (Social Forestry
and Environment), Government of Meghalaya | Member-Secretary |

2. The Chairman and non-official Member of the Authority for Meghalaya shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority for Meghalaya shall exercise such powers and follow the procedures as specified in the said notification.

4. The Authority for Meghalaya shall base its decision on the recommendations of the State Level Expert Appraisal Committee constituted under paragraph 5 for the State of Meghalaya.

5. For the purposes of assisting the Authority for Meghalaya, the Central Government, in consultation with the State Government of Meghalaya, hereby constitutes the State Level Expert Appraisal Committee, Meghalaya (hereinafter referred to as SEAC for Meghalaya) comprising of the following Members, namely :-

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|-------|---|-----------|
| (i) | Shri Darlando Thanmi Khathing
Air House, Madanriting, Shillong-793014 | Chairman |
| (ii) | Shri Knudsenberg Cheran Momin Bonepa, Tura,
P. O. Lower Chandmary, Tura
West Garo Hills. Meghalaya-794002 | Member |
| (iii) | Shri Toiler H. S. Bonney, IFS (Retd.)
Sohiong Village (Mawtap),
East Khasi Hills District,
Meghalaya Pin-793121 | Member |
| (iv) | Shri Puhran M. Sangma
H. No. 93/2, Madan Laban,
Near Nepali School,
Shillong-793004 | Member |
| (v) | Shri Donkupar Syiem
Department of Biochemistry,
North Eastern Hill University,
Shillong, Meghalaya | Member |
| (vi) | Shri Phngain Singh Giri Lyngdoh
Opposite Khasi National Dorbar Hall,
Mawkhar Main Road, Shillong-793001 | Member |
| (vii) | Deputy Conservator of Forests,
Office of the Additional
Principal Chief Conservator of Forests
(Social Forestry and Environment),
Government of Meghalaya | Secretary |

6. The Chairman and Members of SEAC for Meghalaya shall hold office for a term, of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC for Meghalaya shall exercise the powers and follow the procedures as specified in the said notification.

8. The SEAC for Meghalaya shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. The State Government of Meghalaya shall notify an agency to act as Secretariat for the Authority for Meghalaya and SEAC for Meghalaya and shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all its statutory functions.

10. The sitting fee, travelling allowance and dearness allowance to the Chairman and Member of the Authority for Meghalaya and the Chairman and Members of SEAC for Meghalaya shall be paid in accordance with the concerned rules of the State Government of Meghalaya.

[F. No. J-11013/9/2007-IA.II (I)]
MANOJ KUMAR SINGH, Jt. Secy.

A. NIKHLA,
Deputy Secretary to the Government of Meghalaya,
Forests and Environment Department.

The 24th September, 2015.

No.POL.116/2012/Pt.I/134.

The following Notification No. S.O. 2161 (E), dt. 07.08.2015 issued by the Ministry of Home Affairs, Government of India in the matter of the Hynniewtre National Liberation Council of Meghalaya is hereby republished for general information.

F. KHARLYNGDOH,

Commissioner & Secretary to the Govt of Meghalaya,
Political Department.

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MINISTRY OF HOME AFFAIRS

NOTIFICATION.

New Delhi, the 7th August, 2015

S.O. 2161(E).—In terms of section 4(4) of the Unlawful Activities (Prevention) Act, 1967, the order of the Tribunal presided over by Hon'ble Mr. Justice A.K. Pathak, Judge Delhi High Court, to whom a reference was made under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967 for adjudicating whether or not there is sufficient cause for declaring the Hynniewtre National Liberation Council (HNLC) organization of Meghalaya as unlawful is published for general information:

[No. 11011/27/2014-NE-V]

SHAMBHU SINGH, Jt. Secy.

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

NEW DELHI

Reserved on: 29th April, 2015

Date of decision: 12th May, 2015

In the matter of:

Gazette Notification No. S.O. 2923(E) dated 16th November, 2014 declaring Hynniewtre National Liberation Council of Meghalaya as Unlawful Association under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

Present:

Mr. Sanjay Jain, Addl. Solicitor General, Mr. Jasmeet Singh, Central Government Standing Counsel, Mr. Rajesh Gogna, Central Government Standing Counsel with Ms. Neeta Gupta, Deputy Secretary and Mr. S.C. Rawat, Section Officer, Ministry of Home Affairs.

Mr. Ranjan Mukherjee, Advocate for the State of Meghalaya.

ORDER

1. Vide Notification No. S.O. 2923(E) dated 16th November, 2014 passed under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967 (for short, hereinafter referred to as 'the Act'), the Central Government has declared Hynniewtrep National Liberation Council of Meghalaya [for short 'HNLC'] as 'Unlawful Association' with effect from 16.11.2014, inter-alia, on the grounds that HNLC has (i) been openly adopting its anti-national ideology; (ii) been employing and engaging in armed means to achieve their objectives; (iii) been indulging in acts of intimidation, extortion and looting of civilian population for collection of funds for their organization; (iv) been indulging in maintaining links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation; and (v) been maintaining camps, "in neighbouring country", for the purpose of sanctuary and training of their cadres.
2. Vide Notification No. S.O. 3088(E) dated 08th December, 2014 passed under Section 5(1) of the Act, Ministry of Home Affairs, Government of India constituted this Tribunal for the purpose of adjudicating whether or not there were sufficient grounds for declaring the HNLC as an 'Unlawful Association' and made reference to this Tribunal under the provisions of Section 4 of the Act. The reference was received by this Tribunal on 17th December, 2014.
3. Along with the Notification, the Central Government has furnished a background note on HNLC stating therein the aims and objectives of HNLC; giving its "violence profile"; as also its links with underground outfits of the North Eastern Region. As per the background note, the HNLC was formed in 1992 with the aim:
 - (i) of liberation of Hynniewtrep People (Khasi and Jaintia tribals) from the alleged authoritarian rule of the Indian Government;
 - (ii) to protect the Khasis and other Meghalaya tribes from exploitation; and
 - (iii) to retain the indigenous culture and to eradicate social evils.
4. It further states that though no major incident of violence by HNLC has been reported of late, however, small detachments of cadres are making efforts to regain lost ground in the Khasi-Jaintia Hills, comprising East Khasi Hills, West Khasi Hills, Ri-Bhoi and Jaintia Hills Districts. The violence profile of HNLC as detailed in the background note reads as under:-
 - (a) On 2nd February, 2014 and 16th April, 2014, HNLC issued an e-mail exhorting the youth of the State to join hands with them and gave quit notices to all the Nepalese residing in the disputed Langpih area on the Assam-Meghalaya Border and in the districts of Khasi and Jaintia Hills;
 - (b) During the Parliamentary Elections in April, 2014, HNLC posted a message on their Facebook page exhorting everyone to throw bombs at the polling stations;
 - (c) HNLC called for a total shut down on 8th, 9th, 12th and 13th May, 2014, of all the Central and State Government offices in the six districts of Khasi-Jaintia hills in protest against the arrest of Lamphrang Kharbani, President of Hynniewtrep Achik National Movement (HANM) and four others of charges of extortion activities.
5. That HNLC had been extorting money from the coal belt areas of the Jaintia hills which was also being used as a transit route by the HNLC cadres for their trans border movements across Bangladesh. It is further stated that HNLC continues to maintain links with the National Liberation Front of Tripura (Biswanathan Debbarma), National Socialist Council of Nagaland (Isak – Muviah) and Kanglei Yoi Kanba Lup. The leaders of the HNLC, Bobby Marwein, Self Styled Commander in Chief and Cheristerfield Thangkhiew, Self Styled General Secretary, continue to operate from Bangladesh. During the month of March, 2014, the HNLC had recruited around nineteen cadres from West Khasi Hills and South-West Khasi Hills.
6. On the afore-noted grounds, the Central Government formed the opinion that the activities of HNLC were detrimental to the sovereignty and integrity of India, and if not curbed and controlled immediately, the said organization will regroup and rearm itself, expand its cadre, procure sophisticated weapons, cause loss of lives of civilians and security forces, and accelerate the anti-national activities.

7. Preliminary hearing was held on 23rd December, 2014 and notice under sub-Section (2) of Section 4 of the Act was issued to HNLC to show cause as to why it be not declared 'unlawful association'. The notice was directed to be served in the following manner:-

- I. By affixing a copy of the notification to some conspicuous part of the office(s), if any, of the Association;
- II. By serving a copy of the notification, wherever possible, on the principal office-bearers, if any, of the Association;
- III. By proclaiming by beat of drums or by means of loudspeakers, the contents of the notification in the area in which the activities of the Association are ordinarily carried on;
- IV. By making an announcement over the radio from the local or nearest broadcasting station of the All India Radio;
- V. By pasting the notification on the Notice Board of the office of the Deputy Commissioners at the Headquarters of each of the seven Districts in the state; and
- VI. By publication in a National Newspaper in English and in one vernacular newspaper of the respective States in which the activities of the HNLC are ordinarily carried on.

8. Affidavits of service were filed by the Central Government and State of Meghalaya, categorically stating therein the mode and manner in which HNLC was served. It was stated in the affidavit that HNLC has no fixed place of its office and was in hiding. Notices were served by publication in the newspapers viz. The Hindustan Times dated 11.01.2015, Meghalaya Times, The Meghalaya Guardian, Highland Post, Mawphor, U Nongsain Hima, Kynjatshai, U Peitngor dated 10.01.2015 and Rupang dated 12.01.2015 as also by broadcasting through the Shillong Station of All India Radio and telecast through the Doordarshan Kendra, Shillong. The notices are also stated to have been displayed on the notice boards of the Deputy Commissioners' offices in the Districts of the State of Meghalaya. The reports received from the concerned Deputy Commissioners have been filed along with the affidavit of service of the Central Government.

9. Despite service no one appeared for the HNLC, therefore, it was proceeded ex parte on 7th March, 2015.

10. Evidence was recorded in Shillong on 7th & 8th March, 2015 and 18th April, 2015 with a view to invite wider public representation in support or against the ban and also to afford HNLC to participate in the proceeding, if it so desired. The State of Meghalaya examined the following witnesses:-

- (i) SW1 Smt. R. Lyngdoh, IAS, District Magistrate, South West Khasi Hills District, Mawkyrwat, Meghalaya;
- (ii) SW2 Shri D.D. Sangama, IPS, Superintendent of Police, South West Khasi Hills, Mawkyrwat, Meghalaya;
- (iii) SW3 Shri Peter Sansan Dkhar, IAS Deputy Commissioner West Jaintia Hills, District Jowai Meghalaya;
- (iv) SW4 Shri H.G. Lyngdoh, MPS Superintendent of Police West Jaintia Hills, District Jowai Meghalaya;
- (v) SW5 Shri W.R. Lyngdoh, IAS, Deputy Commissioner, East Jaintia Hills, District Khliehriat, Meghalaya;
- (vi) SW6 Shri M.K. Dkhar, IPS Superintendent of Police East Jaintia Hills, District Khliehriat, Meghalaya;
- (vii) SW7 Shri Freeman Kharlyngdoh, IAS, Commissioner & Secretary to the Government of Meghalaya, Political Department, Shillong, Meghalaya;
- (viii) SW8 Shri Sanjay Goyal, IAS, Deputy Commissioner, East Khasi Hills District, Shillong, Meghalaya;
- (ix) SW9 Shri M. Kharkrang, Superintendent of Police, East Khasi Hills District, Meghalaya;

- (x) SW10 Shri S. Kharlyngdoh, IAS, Deputy Commissioner, West Khasi Hills District, Nongstoin, Meghalaya;
 - (xi) SW11 Shri Sylvester Nongtnger, MPS, Superintendent of Police, West Khasi Hills District, Nongstoin, Meghalaya;
 - (xii) SW12 Dr. Pooja Pandey, IAS, Deputy Commissioner, Ri Bhoi District, Nongpoh;
 - (xiii) SW13 Shri C. Venkata Subba Reddy, Superintendent of Police, Ri-Bhoi District, Nongpoh.
11. The Central Government examined CW1 Ms. Neeta Gupta, Deputy Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi. Statements of abovenoted witnesses have remained unchallenged as no one came forward on behalf of HNLC to cross-examine the witnesses, inasmuch as no public person filed any objections.
 12. SW-1, Smt. R. Lyngdoh, has deposed that on 20.11.2013, on receipt of information that some persons were bringing HNLC demand notes from Shillong to Mawkyrwat, a police team conducted checking at Jakrem area; during the search a bag containing one laminated appeal letter in the name of HNLC, nineteen demand notes, one receipt book of lion sports club, one Bangla link sim card, 2 Bangla link top up cards and nineteen yellow envelopes were recovered. Two suspected HNLC cadres were detained and from their possession two mobile handsets and one G phone dual sim were recovered. She has further stated that two of the accomplices of the said persons were also arrested pursuant to the information provided by them. She has further stated that on 02.05.2014, a demand note of HNLC and cash of ₹2,50,000/- were recovered from a vehicle belonging to the HNLC members. She has categorically stated that HNLC was involved in office picketing and have called for bandhs on all national days, namely, Republic day and Independence day. The affidavit further states that HNLC cadres were indulging in unlawful activities and since its inception have clearly intended and have supported the claims for secessionist activities and have also incited the tribal youth of the State to bring about such secession.
 13. Deposition of SW-2, Shri D.D. Sangama, IPS, is in line with the statement of SW1. He has proved certain documents. Ex. SW-2/1 is the copy of the FIR No. 24(11)13 registered at Mawkyrwat police station under sections 121(A)/120(B) IPC read with Sections 10/13 of the Unlawful Activities Prevention Act. Ex. SW-2/2 is the copy of the FIR No. 8(5)14 under sections 121/121(A) IPC read with Sections 10/13 of the Unlawful Activities Prevention Act. The said FIR was registered pursuant to the recovery of one demand note of HNLC from the possession of Sh. Lamphrang Kharbani. Later on two more persons were apprehended and a cash of ₹2,50,000/-, suspected to be delivered to HNLC cadres, was recovered. Ex. SW 2/3 is the copy of the media report regarding the office picketing call given by HNLC. Ex. SW 2/4, 2/5, 2/6 and 2/7 are the copies of media reports regarding the bandh calls given by the HNLC protesting the Legislative Assembly elections in the State of Meghalaya as also against the banning of Rat Hole Mining by the National Green Tribunal and to boycott Republic day and Independence day.
 14. SW-3, Shri Peter Sansan Dkhar, IAS Deputy Commissioner, West Jaintia Hills, District Jowai, Meghalaya, has deposed that though there had not been registration of cases because of various factors including reluctance on the part of the local people to come forward and complain primarily because of fear psychosis, yet it cannot be said that HNLC is not engaging itself in unlawful activities. He has further stated that HNLC was active in West Jaintia Hills district and was indulging in extortion, intimidation and kidnapping activities. The HNLC is also involved in anti-national, unlawful and nefarious activities. He has further stated that NDFB, GNLA and NLFT are the main supporters of HNLC which are based in Bangladesh. He has also stated that the activities of HNLC along with other militant groups cause serious threat to the sovereignty, integrity and internal and external security of India. He has annexed various newspaper clippings with his affidavit as Ex. SW3/1 (Colly) in support of his deposition that HNLC was engaged in unlawful activities as detailed in his affidavit. SW-4, Shri Herbert G. Lyngdoh, has deposed in line with SW3. He has also proved newspaper clippings as Ex. SW-4/A. Ex. SW-4/1, 4/2, 4/3, 4/4, 4/5, 4/6, 4/7, 4/8, 4/9 and 4/10 in support of his statement that HNLC had given bandh calls on various occasions, that is, on the eve of Republic day celebrations in the year 2013, protested against the visit of the Hon'ble President to the State, on the eve of Independence day celebrations, demanded release of arrested pro-ILP activist and for boycotting the Republic day celebrations and Lok Sabha elections of 2014; gave a call for office

picketing, so as to compel the release of arrested HANM president and four others and against the banning of Rat Hole Mining by the National Green Tribunal.

15. SW-5, Shri W.R.Lyngdoh, has deposed that HNLC had been actively operating its unlawful, nefarious and anti-social activities in East Jaintia Hills district in the State of Meghalaya. He has also detailed in his affidavit the major unlawful activities of HNLC in the recent past carried out within the territories of East Jaintia Hills district. Various newspaper clippings, that is, Ex. SW-5/1, SW-5/2, SW-5/3, SW-5/4, SW-5/5 and SW-5/6 have been annexed with the affidavit to show that bandh calls were given by the HNLC in East Jaintia Hills district from time-to-time to protest against the visit of Hon'ble President of India to Shillong, on 26th January, 2014. Office picketing was also called to compel the release of the president of the HANM, inasmuch as bandh was called against the order of the National Green Tribunal whereby coal mining was banned in the State and also in protest against the Independence day celebrations and against the observance of the International day of non-violence on 2nd October in remembrance of the birth day of Mahatma Gandhi. He has further stated that HNLC had conducted a recruitment drive by enticing the local youths of East Jaintia Hills. He has also stated that extortion, intimidation and kidnapping are the main objectives of HNLC, inasmuch as they were causing serious threat to the sovereignty, integrity as well as posing internal and external threat to the security of India. SW-6, Shri M.K. Dkhar, has deposed in line with SW5. Several newspaper clippings have been annexed with the affidavit as Ex. SW-6/1, Ex. SW-6/2, Ex. SW-6/3, Ex. SW-6/4, Ex. SW-6/5, Ex. SW-6/6 and Ex. SW-6/7. He has been categorical in saying that extortion, intimidation and kidnapping were the main objectives of HNLC against the public at large, more particularly the business community. Fear psychosis is one of the basic cause because of which the victims or affected persons do not report the cases to police. He has further stated that endeavour of the HNLC cadres is that by creating fear psychosis, the general public is compelled to toe their line of secession of the state from the Union of India. He has also stated that the activities of HNLC along with other militant groups cause serious threat to the sovereignty, integrity and internal and external security of India.
16. CW-1, Ms. Neeta Gupta, Deputy Secretary, Ministry of Home Affairs, Government of India, has proved the Notification No. 2923(E) dated 16.11.2014 as CW1/1. This is the notification whereby the decision of the competent authority to ban the HNLC by declaring it unlawful association under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967 was published. Exhibit CW-1/2 is the gazette notification published on 19th May, 2005 containing the order of the Tribunal in terms of Section 4(3), whereby the earlier decision of the Central Government to ban HNLC was upheld. Exhibit CW-1/3 and Exhibit CW-1/4 are copies of notification No. 789(E) dated 21.5.2007 and notification No. 1372(E) dated 28.5.2009 respectively, containing the orders passed by the earlier Tribunals to whom the matter was referred under the Act whereby the said Tribunals upheld the decision of the Central Government to ban the HNLC. Exhibit CW-1/5 is the copy of notification No. 1268(E) dated 1.6.2011 whereby the Tribunal vide order dated 13.5.2011 has upheld the previous notification dated 16.10.2010 issued by the Central Government declaring the HNLC as an 'unlawful association'. Exhibit CW-1/6 is the copy of notification No. 2001(E) dated 28.6.2013 whereby the Tribunal vide order dated 14.5.2013 upheld the previous notification dated 16.11.2012 issued by the Central Government declaring the HNLC as an unlawful association. Exhibit CW-1/7 is the short summary of various activities that had come to the notice of Government from November, 2012 onwards. Exhibit CW-1/8 is brief summary of the aims & objectives as also the activities of the HNLC. Further she has deposed that the top leaders of HNLC were operating from Bangladesh. She has stated that on 2nd February and 16th April, 2014, HNLC issued an e-mail exhorting youth of the State to join hands with them; HNLC regularly gives calls for boycott of the Republic day and Independence day celebrations and during the parliamentary elections in April, HNLC posted a message on their facebook page exhorting everyone to throw bombs at the polling stations. On 8th, 9th, 12th and 13th May, 2014, HNLC called for a total shut down of all the central and State Government offices in the six districts of Khasi Jaintia hills to protest against the arrest of the president of Hynniewtrep Achik National Movement. She has further stated that it has been revealed during interrogation of the cadres of National Liberation front of Tripura that HNLC had purchased number of AK series weapons. The HNLC is extorting money from the coal belt areas of Jaintia Hills; HNLC continues to maintain links with the National Liberation Front of Tripura (Biswamohan Debbarma), the National Socialist Council of Nagaland (Issac-Muviah) and Kanglei Yaol Kanba Lup (Hampur) which is a major security concern for the country. She has further deposed that HNLC and

its activists were still continuing to indulge in unlawful activities for which the organization was banned earlier and that the activities of HNLC are detrimental to the peace and internal security of the Country. There is an every likelihood of the HNLC seeking to expand the scope of its secessionist, subversive, terrorist and violent activities, in case the proposed ban by the Central Government is not affirmed for the period envisaged in the notification issued under the Act.

17. SW-7, Shri Freeman Kharlyngdoh, has deposed that through various press releases the HNLC has been calling for bandhs and non-cooperation on every national day celebrations, i.e., on Republic day and Independence day and such unlawful activities of HNLC were evident from the newspaper clippings exhibited SW 7/1 (colly). He has stated that HNLC had been engaging itself in all kinds of unlawful activities such as extortion and looting of civilian population, collection of funds. Copy of FIR No. 24(11) 13 U/S 121 (A)/120(B) IPC R/W Sec 10/13 UAP Act (Ex. SW 7/2) has been annexed with the affidavit. The said FIR was registered at Mawkyrwat Police Station. During the checking of a bus in Jakrem area, two suspected HNLC members were detained and from their possession two mobile handsets were recovered. Ex. SW 7/3 is the copy of the FIR No. 8(5) 14 U/S 121/121(A) IPC R/W Sec 10/13 UAP Act registered at Mawkyrwat Police Station by Inspector K. Shabong /I/C special cell, East Khasi Hills, Shillong. On 30th January, 2013, police arrested one suspected HNLC cadre namely Roland Marwein from Jakrem (South-West Khasi Hills District) and recovered a demand note of ₹ 5,50,000/- addressed to Shri Kymrenskhem Nongrel. He further disclosed certain other instances of extortion committed by the members of HNLC, which led to filing of FIRs, some of which were under investigation and in some cases charge sheet was ready for filing, on receipt of prosecution sanction from the Government. The HNLC had called for the boycott of the general elections Scheduled on 23.02.2013 and also for the Lok Sabha elections 2014 in Khasi and Jaintia Hills region. He has further stated that HNLC had established good relations with anti national insurgent groups of the North Eastern States like ULFA, NSCN, NDFB and NLFT which indicated that HNLC will create more trouble in the near future, posing a serious threat to the national security and sovereignty of India. He has also stated that members of HNLC get training and support from other banned organizations. He has also endorsed the averments made in the affidavits of the Deputy Commissioners and Superintends of Police of all the six districts where HNLC is active.
18. SW 8, Shri Sanjay Goyal, has deposed that HNLC has been actively involved in unlawful, nefarious and Anti-National activities in the District of East Khasi Hills; the activities of HNLC are aimed at disrupting sovereignty and territorial integrity of India. He has also stated that cadres of HNLC were engaged in raising funds by issuing demand notes to the business community. HNLC has established good relations with other banned insurgent groups of the North Eastern States like ULFA, NSCN, NDFB and NLFT. SW 9, Shri M.Kharkrang, Superintendent of Police, East Khasi Hills District, Meghalaya has reiterated the facts stated by SW-8 Mr. Sanjay Goyal in his affidavit (SW 8/A). He has relied on the newspaper clippings Ex.SW9/3, Ex.SW9/4, Ex. SW9/6, Ex. SW9/7, Ex. SW9/8, Ex. SW9/10, Ex. SW9/12, Ex. SW9/13, Ex. SW9/16, Ex. SW9/18, Ex. SW9/19, Ex. SW9/20, Ex. SW9/21, Ex. SW9/22 and Ex. SW9/23 to support his deposition that HNLC had been making calls to boycott the Republic day celebrations, assembly polls, Independence day celebrations, inasmuch as, they protested against the visit of the President of India; gave calls for office picketing, shut down, bandhs etc. He has annexed copy of FIR No.3 dated 24th January, 2014 under Sections 120-B/121/121-A IPC read with Section 10/13 U.A.P. Act (Ex.SW9/2) regarding arrest of Suffiyan Ali Hazrika @ Manbhalang Jyrwa on 24th January, 2013 from whom one lap top and three mobile phones were recovered. He has further deposed that Suffiyan Ali Hazrika admitted during the interrogation that he was member of HNLC. Copy of FIR No.60 dated 17th July, 2013 under Sections 222/224 IPC 1860 U.A.P. Act (Ex.SW9/5) was also annexed regarding the incident dated 17.7.2013 when Phymailang Swer was arrested in connection with FIR No. 3(1)-13 but escaped from the NEIGRIHMS, Shillong where he was undergoing medical treatment. Copy of FIR No.19(03) 2014 dated 14th March, 2014 under Sections 120-B/121 IPC read with Sections 10/13 U.A.P. Act (Ex.SW9/9) has been annexed by him with the affidavit to show that on 14.3.2014 the police intercepted one Tata Sumo wherein three members of HNLC were travelling. They were going to Mawsynram to carry out subversive activities. Copy of FIR No.31 dated 11th April, 2014 registered under Sections 120-B/506 IPC read with Sections 10/13 U.A.P. Act (Ex.9/11) has been annexed by him with the affidavit to show that on 4.4.2014 one Shri K. Langstieh and other Myntries of Him. Myllem received a telephone call and the caller introduced himself as the PSO of the HNLC public secretary and threatened them to resolve the matter or otherwise they will be eliminated. Copy of

FIR No.9(5)14 dated 9th May, 2014 under Sections 120-B IPC read with Sections 10/13 U.A.P. Act (Ex.SW9/14) has been annexed to show that on 8.5.2014, a police team saw two motor cycle borne persons and on seeing the police team, one of them jumped off from the motor cycle and escaped towards the jungle, whose identity was disclosed as Wan Khardewsaw, a hardcore HNLC cadre, on interrogation of the person apprehended. Copy of FIR No.153 dated 5th May, 2014 under Sections 506 IPC read with Sections 10/13 U.A.P. (Ex.SW9/15) has been annexed to show that on 5.5.2014, the public secretary of HNLC issued an open threat to the life of Shri Vivek Syiem, MPS, Superintendent of Police(City), Shillong. Copy of FIR No.118 dated 28th July, 2014 under Sections 326/34 IPC of the U.A.P. Act (Ex.9/17), lodged by one Shri Robert Pariat at Laitumkhrah Police Station has been annexed with the affidavit to show that some unknown miscreants assaulted his son with an iron rod on the head and rib cage at Lachumiere as a result he sustained injuries. SW 9 has further stated that three persons were arrested and on questioning, they revealed that they lured the victim to attend a party and had chalked out a plan to kidnap him for ransom at the behest of one senior HNLC cadre namely Frankupar Diengdoh @ Metal @ Bah Hep Metal based in Bangladesh.

19. Ex. SW 10, Shri S. Kharlyngdoh, has deposed that HNLC was having direct nexus and links with National Socialist Councils of Nagalim (NSCNIM), which had been supplying arms and ammunitions, as well as imparting training to the cadres of HNLC besides providing logistic support to enable the HNLC to disturb the security and tranquility of the State. He has also stated that HNLC had been supporting the claims for secessionist activities and has also incited the tribal youths of the State to bring about such secession; HNLC cadres are still in possession of illegal arms and ammunitions kept in various hide-outs; the clandestine operations by HNLC cadres for collection of funds by illegal means are still being carried out; extortion of money from general public is still being carried out surreptitiously by HNLC cadres. Further the HNLC had been calling bandhs on Republic days and Independence days and were continuing with their unlawful activities to disrupt the sovereignty and territorial integrity of India. SW 11, Shri Sylvester Nongtnger has deposed in line with SW10. He has annexed copies of newspaper clippings Ex. SW 11/1 to Ex. SW 11/5 to show that HNLC had been calling for bandhs each year on all national celebration days; to boycott the assembly elections and had given calls for office picketing on 8, 9, 12 and 13th May, 2014 as also issued a quit notice and called upon the youths to join the HNLC. He has also filed a copy of FIR No.89(7)(14) dated 20th July, 2014 under Sections 120-B/121/121-A IPC read with Section 10/13 U.A.P. Act (Ex.SW11/6) to the effect that one HNLC cadre namely Shri Khielunglang @ Bantei Lyngkhai was detained by Tripura Police, who had fled away from HNLC Camp at Bangladesh.
20. SW 12, Dr. Pooja Pandey has deposed that though there has been no registration of cases because of various factors including reluctance on the part of the local people to come forward and complain primarily because of fear psychosis, yet it cannot be said that HNLC is not engaging itself in unlawful activities. She has further stated that HNLC is endeavouring to wear away the common people from the main stream and if the illegal activities of HNLC are not immediately curbed and controlled, they would grow in strength and rearrange itself to recruit more cadres and procure sophisticated weapons etc. which they may use against the civilian and security forces and accelerate its Anti-National activities and wage war against the State.
21. SW 13, Shri C. Venkata Subba Reddy has deposed that HNLC had been calling bandhs on all National days viz. Republic Day and Independence Day to prevent the general public from celebrating the same. He has further stated that though the group is not so active in Ri-Bhoi District but they are reportedly using this District as their hide-out and meeting place with other extremist groups of neighbouring State of Assam. He has reiterated the facts stated by SW-12 in her affidavit.
22. SW4, SW7 and SW9 have categorically deposed that basic object of HNLC is to form a sovereign 'Khasi Hills State' not being part of Union of India. All the activities committed by the HNLC are in that direction. It may further be noted that during the hearing in Shillong, CW1 had tendered a sealed envelope containing material to support the averments that HNLC was engaged in unlawful activities. It also included several reports of Ministry of Defence, R&AW and Border Security Force. Envelope has been opened and perused and re-sealed. It be returned to the Central Government along with the report.
23. The witnesses examined on behalf of the Central Government & the State of Meghalaya have not been cross-examined as HNLC has remained ex parte. Despite the fact that the Tribunal held its sittings for recording the evidence to enable the HNLC and/or the general public to participate but no

one came forward to cross-examine the witnesses or to give inputs on the subject. The evidence brought on record by the Central Government and the State of Meghalaya has remained unrebutted and unchallenged.

24. I have heard learned ASG, learned counsel for the State of Meghalaya and perused the entire material placed and proved on record carefully including the documents in the sealed cover. From the evidence adduced by the Central Government and State of Meghalaya coupled with the material placed, proved and produced before the Tribunal, it is established that HNLC is an organisation committed to achieve a separate or independent State for the Hynniewtrep people outside India and to that end it seeks to achieve the objective through the acts of violence and unlawful activities. HNLC is undertaking clandestine trainings, raising funds through extortion and intimidation. HNLC has been calling bands and boycott of the general election of the Meghalaya Legislative Assembly, 2013 as also the Lok Sabha Elections, 2014. HNLC cadres have been issuing warning statements of intensifying the threat to Minister-in-charge of Urban Affairs, Meghalaya. HNLC cadres have also indulged in assaulting and attacking the people. Repeated calls were also given by HNLC to the people not to attend national day celebrations, inasmuch as, hurdles were created in preventing people from participating in the democratic process. HNLC cadres are maintaining contact and links with other organisations that have been declared unlawful. Leaders of HNLC are based in Bangladesh where they have set up base camps to train cadres and where they flee after committing acts of kidnapping, extortion and other acts of violence. The activities of HNLC are an open challenge to sovereign power of the State. Their unlawful activities include creating fear psychosis by extortion of money, abduction, murder and attack on the forces are the clear indications of the attempt on the part of HNLC to hinder the State Administration by its unlawful and illegal means. The Association is involved in procuring of weapons, infringing the borders of the Union of India and keeping their contacts with other banned organisations and unlawful associations in and outside the territorial limits of India.
25. Section 2(o) of the Act defines 'unlawful activities' which reads as under:-

"(o) 'unlawful activity', in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—

 - (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or
 - (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or
 - (iii) which causes or is intended to cause disaffection against India;"
26. Section 2(p) of the Act defines 'unlawful association' which reads as under:-

(p) "unlawful association" means any association,—

 - (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or
 - (ii) which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity:

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir;
27. A perusal of Section 2(o) of the Act makes it clear that the grounds mentioned therein are disjunctive since expression 'or' has been used at the end of every clause; meaning thereby, even if any of the ground as stipulated in Section 2(o) is attracted it will attract the said provision. In *Re: Binoy Kumar Chattopadhyaya* AIR (37) 1950 Calcutta 444, it has been held that the word 'disaffection' signifies

political alienation or discontent, that is to say, a feeling of disloyalty to the existing Government, which tends to a disposition not to obey, but to resist and subvert the Government.

28. In *Union of India & Ors. vs. Sukumar Sengupta & Ors.* 1990 (Supp) SCC 545, Supreme Court has held as under:-
- “On the question of 'sovereignty', reliance was placed before us on 'A Concise Law Dictionary' by P.G. Osborn, 5th Edition, p. 297, where 'sovereignty' has been defined as "the supreme authority" in an independent political society. It is, essential, indivisible and illimitable. However, it is now considered and accepted as both divisible and limitable, and we must recognize that it should be so. Sovereignty is limited externally by the possibility of a general resistance. Internal sovereignty is paramount power over all action within, and is limited by the nature of the power itself”.
29. In *Synthetics and Chemicals Ltd. & Ors. vs. State of U.P. & Ors.* (1990) 1 SCC 109, Supreme Court while explaining the importance of concept of 'sovereignty' has held thus:
- “The sovereign power is plenary and inherent in every sovereign State to do all things which promote the health, peace, morals, education and good order of the people. This power of sovereignty is, however, subject to Constitutional Limitations.”
30. It has been proved on record that HNLC has openly declared as its objective the secession of the State of Meghalaya from the Indian Union. HNLC has been employing and engaging in armed means to achieve their objectives of spreading 'disaffection' against the Government. HNLC has been indulging in acts of intimidation, extortion and looting of civilian population for collection of funds for their organization. The Association has been maintaining links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation. HNLC has also been maintaining camps in neighbouring country for the purpose of sanctuary and training of their cadres, which is detrimental to the sovereignty and integrity of India. The activities of HNLC falls within the ambit and scope of 'unlawful activity' as defined in Section 2(o) of the Act. Resultantly, HNLC is an 'unlawful association' within the meaning of Section 2(p) of the Act.
31. It is not the first time this issue is under consideration before this Tribunal. It is happening since the year 2000. Earlier notification issued declaring HNLC a banned organisation have been successively upheld by the Tribunal constituted from time-to-time. The activities of HNLC are going on unabated since then. Keeping in view the unlawful activities of HNLC, I am of the view that Central Government has rightly notified it as an 'unlawful association' vide the notification in question.
32. The State of Meghalaya and Central Government have brought on record overwhelming evidence to show that the aims and objects and the activities of HNLC constitute 'unlawful activity' as defined in sub-Section (o) of Section 2 of the Act and are intended to cause a threat to the sovereignty of the country by seeking secession of Meghalaya from the Union of India, by carving out an independent state. The activities of the HNLC are therefore a direct threat to the sovereignty and integrity of India and it is imperative that the unlawful activities be banned in order to prevent HNLC from continuing its disruptive activities.
33. Thus, in view of the convincing evidence brought on record, I am of the considered view that sufficient cause exists for declaring the HNLC as an unlawful association and accordingly, the Notification dated 16th November, 2014 issued by the Central Government under sub-section (1) of Section 3 of the Act banning HNLC for a period of five years with effect from 16th November, 2014 is liable to be confirmed under sub-Section (3) of Section 4 of the Act, ordered accordingly.

(JUSTICE A.K. PATHAK)

Presiding Officer

Unlawful Activities (Prevention) Tribunal

May 12, 2015